



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

January 16, 2007

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: William and Tina Schlock v. County of Los Angeles
Los Angeles Superior Court Case No. BC 328 862

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$1,500,000.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosure

MEMORANDUM

December 21, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CLYDE LOCKWOOD, ESQ.
Patterson, Ritner, Lockwood Gartner & Jurich

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: William and Tina Schlock v. County of Los Angeles
Los Angeles Superior Court, Case No. BC 328862

DATE OF
INCIDENT: June 22, 2004

AUTHORITY
REQUESTED: \$1,500,000.00

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval

- ABSENT -, Chief Administrative Office
ROCKY ARMFIELD

John F. Krattli, County Counsel
JOHN F. KRATTLI

Maria M. Oms, Auditor-Controller
MARIA M. OMS

on January 16, 2006

SUMMARY

This is a recommendation to settle for \$1,500,000.00 the medical negligence lawsuit brought by William Schlock and his wife, Tina Schlock, for the care and treatment received by Mr. Schlock at LAC+USC Medical Center ("LAC+USC").

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On June 22, 2004, William Schlock, a 46-year-old male, was involved in a construction site accident, where he fell and a steel rod impaled his face through his right cheek. He was brought into the Emergency Room at LAC+USC. A CT scan was performed which revealed subtle evidence of air and bony fragments in the area around the left carotid artery (one of the two main arteries in the neck that provides most of the blood to the brain).

On June 23, 2004, the surgeons operated on the fractures of the right side of the patient's face, unaware of the left carotid artery problems that appeared on the CT scan the day before. After the operation, at about 2:30 p.m. on June 23, 2004, the surgeons were notified of the left common carotid artery problem, after which the personnel ordered a STAT CT angiogram (a radiological study where the arteries of the neck are visualized and evaluated). Up to this point, the patient did not have any neurological problems. The STAT CT angiogram, however, was not performed as ordered. The CT suite called for the patient at 4:30, 5:00 and 5:30 p.m., but the patient was not taken to the CT suite.

By 10:40 p.m., on June 23, 2004, Mr. Schlock began demonstrating evidence of severe neurological problems. At around 8:20 a.m., on June 24, 2004, after evaluating the patient, the medical personnel ordered an emergent CT scan of the head and a neurology consultation. Diagnostic imaging revealed that the patient was suffering from infarction in his brain (a stroke). This diagnosis was confirmed by additional studies on June 29, 2004. The infarction caused severe and irreversible injuries to Mr. Schlock's brain, leaving him with significant neurological deficits.

On July 7, 2004, Mr. Schlock was discharged to Northridge Hospital Rehabilitation Center. Mr. Schlock still has significant neurological damage as a result of the stroke. Although he is currently capable of walking short distances with the assistance of a cane, he is suffering from severe cognitive and speech problems.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Pain and Suffering (MICRA Limit)	\$ 250,000.00
Loss of Earnings (Past and Future)	\$1,365,000.00
Future Medical Expenses and Care	\$5,000,000.00
Other (Loss of Consortium)	\$ <u>250,000.00</u>
 TOTAL	 \$6,865,000.00

The proposed settlement includes:

Pain and Suffering (for both plaintiffs)	\$ 500,000.00
Attorney's Fees (MICRA Estimate)	\$ 296,667.00
Costs of Litigation	\$ 28,333.00
Other (future care needs)	\$ <u>675,000.00</u>
 TOTAL	 \$1,500,000.00

STATUS OF CASE

William Schlock brought the present lawsuit which contains allegations of negligence against the construction company involved in the original accident and additionally, an allegation of medical malpractice against the County of Los Angeles. Although contained in the same lawsuit, the allegations against the County are not related to those against the construction company. However, Tina Schlock, Mr. Schlock's wife, asserted a cause of action for Loss of Consortium against all defendants including the County of Los Angeles. The current trial date has been vacated pending approval of this settlement. There was one roundtable in this case, at which it was determined that the case had significant liability implications. There was one formal mediation involving the County, which was unsuccessful because the parties were too far apart in their demands and proposals. Thereafter, plaintiffs pursued separate settlement discussions with other defendants in the case, ultimately settling with them. Subsequently, discussions between the County and the plaintiffs resulted in the present proposed settlement.

This matter involves several medical issues surrounding the care and treatment rendered to William Schlock at LAC+USC. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review the care rendered by the County personnel and the extent of the plaintiff's injuries.

Expenses incurred by the County of Los Angeles in the defense of this case through December 27, 2006, are attorney's fees of \$60,131.90 and \$26,003.09 in costs.

The total cost to the County of Los Angeles as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$1,500,000.00
County Attorney's Fees and Costs	\$ <u>80,924.88</u>
TOTAL	\$1,580,924.88

EVALUATION

Medical experts will be critical of the delay in performing the CT angiogram on Mr. Schlock. Such procedure would have identified the risk of stroke, which in turn would have alerted the medical personnel to take necessary steps to avoid the stroke. This delay fell below the standard of care and is responsible for the injuries suffered by the plaintiff.

We join with our private counsel, Clyde Lockwood, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$1,500,000.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment